

Senate File 476

S-3054

1 Amend the amendment, S-3049, to Senate File 476, as follows:

2 1. By striking page 1, line 2, through page 3, line 9, and
3 inserting:

4 <1. By striking page 1, line 3, through page 2, line 32, and
5 inserting:

6 <Sec. _____. Section 669.14, Code 2021, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 1A. Any claim based upon an act or omission
9 of an employee of the state, exercising due care, in the
10 execution of or enforcement of any law.

11 Sec. _____. Section 670.2, Code 2021, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4. An employee is not personally liable
14 for a claim based upon an act or omission of the person taken
15 in execution or enforcement of any law except for acts or
16 omissions which involve intentional misconduct or knowing
17 violations of the law.

18 Sec. _____. Section 670.7, Code 2021, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 5. The governing body of a municipality
21 shall purchase and maintain insurance or join a local
22 government risk pool pursuant to this section for claims for
23 punitive damages in tort actions for wrongful death, excessive
24 force, and arrest filed without probable cause against its
25 law enforcement and public safety officers, employees, and
26 volunteers, whether elected or appointed, arising out of an
27 alleged act or omission occurring within the scope of such
28 a person's employment or duties. The governing body may
29 purchase and maintain insurance or join a local government
30 risk pool for claims for punitive damages against its law
31 enforcement and public safety officers, employees, and persons
32 who do not receive compensation for their services for other
33 tort actions. This subsection does not waive a defense of
34 governmental immunity to any claim or action brought against a
35 law enforcement or public safety officer, employee, or a person

1 who does not receive compensation for their services.

2 2. By striking page 3, line 1, through page 6, line 5, and
3 inserting:

4 <Sec. _____. Section 80F.1, Code 2021, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 2A. A formal administrative investigation,
7 informal inquiry, or interview under this chapter shall not be
8 conducted unless a complaint is filed within one hundred eighty
9 days after the alleged action occurred.

10 Sec. _____. Section 80F.1, subsections 13 and 19, Code 2021,
11 are amended to read as follows:

12 13. ~~An officer shall have the right to pursue civil remedies~~
13 ~~under the law against a citizen arising from the filing of a~~
14 ~~false complaint against the officer~~ In addition to any other
15 remedies available, an officer shall have the right to pursue
16 civil remedies under the law against any person, group of
17 persons, employer, organization, or corporation for damages
18 arising from the filing of a false complaint or any other
19 violation of this chapter including but not limited to actual
20 damages, court costs, and reasonable attorney fees.

21 19. If a formal administrative investigation results in
22 removal, discharge, suspension, or disciplinary action against
23 an officer, and the officer alleges in writing a violation of
24 the provisions of [this section](#), the municipality, county, or
25 state agency employing the officer shall hold in abeyance ~~for~~
26 ~~a period of ten days~~ any punitive action taken as a result of
27 the investigation, including a reprimand, until the conclusion
28 of any appeal or grievance exercised by the officer. An
29 allegation of a violation of [this section](#) may be raised and
30 given due consideration in any properly authorized grievance
31 or appeal exercised by an officer, including but not limited
32 to a grievance or appeal exercised pursuant to the terms of an
33 applicable collective bargaining agreement and an appeal right
34 exercised under [section 341A.12](#) or [400.20](#).>

35 3. Title page, lines 1 and 2, by striking <of law

1 enforcement officers>

2 4. By renumbering as necessary.>

NATE BOULTON